Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION.NO. OF 2005

P.R. No. 363/05
Presented by Shri Sanjay Sahu
dated 28-01-05

BETWEEN

Ramdutt Joshi S/o Haridutt Joshi, aged about 31 years, resident of Village Kapu, Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh (CG).

PETITIONER

AND

1- The State of Chhattisgarh,
Through the Secretary Department of Transport
Department ,Mantralay, Chhattisgarh, D.K.S. Building, Raipur (C.G.)

2- The State Transport Appellate Tribunal,Chhattisgarh, through its President, State Transport Appellate Tribunal, Raipur (CG).

3- The Regional Transport Authority, Chhattisgarh, Raipur, through its Secretary, Regional Transport Authority, Raipur (CG).

4- Raj Kishore Singh, resident of Kabir Chowk, Raigarh, Tahsil and District Raigarh (CG).

पथ आयुक्त
एम.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

RESPONDENTS

(29)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 328/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

08.02.2005

Shri Awadh Tripathi, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Government Advocate for respondent No.1 to 3.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 17.1.2005 passed by State Transport Appellate Tribunal, Raipur in Revision Case No.289/2004 whereby the STAT reversed the order passed by the Regional Transport Authority, Raipur on 20.7.2004 on the ground that since the petitioner herein had not applied for the route Pathalgaon to Raigarh, the RTA has granted permit for the said route, therefore without having any application for that route, the RTA was not entitled to grant the permit.

I have heard the learned counsel for the parties on admission.

Learned counsel for the petitioner argued that it is true that route from Kumichuha to Raigarh was not sanctioned by the Government, but the route Pathalgaon to Raigarh is already existing and on the request of the petitioner herein the permit was granted by modifying the request and that was within the competence of the RTA, therefore, impugned order is perverse. Learned counsel for the petitioner relied upon the decision of Allahabad High Court reported in AIR 1982 114 Anil Kumar Agarwal and others Vs. The State Transport Appellate Tribunal, U.P. and others and also the decision reported in AIR 1966 Kerala 284 M/s Narayana Transports, Calicut V. Regional Transport Authority, Calicut and another

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XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 328 सन् 2005

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	In this connection the proviso to sub-section (1) of Section 72 of the Motor Vehicles Act, 1988 envisages that *"provided that no such permit shall be granted in respect of any route or area not specified in the application'.* In the present case, the petitioner moved an application only for the route Kumichua to Raigarh, no application was made by the petitioner for the route Patthalgaon to Raigarh. Even the petitioner has not produced anything on record which shows that the application for the route Patthalgaon to Raigarh was filed on behalf of the petitioner. As far as the request for modification is concerned, the case laws cited by the petitioner are distinguishable on facts and they are not applicable in the present case. Moreover, it is stated that buses are already operating on the route Patthalgaon to Raigarh and the petitioner has not brought anything on record which goes to show that there was any vacancy on the said route which entitles the RTA to grant permit. In view of the above, I am of the opinion that the order passed by the STAT does not suffer from any illegality or irregularity. The petition is liable to be dismissed and accordingly, it is dismissed at the admission stage itself. Consequently, M.(W.)P. No.289/05 & I.A. No.702/05 also stand disposed of. Sd/- L.C. Bhadoo Judge	